General Assembly

Distr.: General
3 February 2015

Sixty-ninth session
Agenda item 64

Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/484)*]

69/158. Protecting children from bullying

The General Assembly,

Emphasizing that the Convention on the Rights of the Child[1] constitutes the standard in the promotion and protection of the rights of the child and that States parties to the Convention shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized therein,

Recalling all its previous resolutions on the rights of the child and the resolutions adopted by the Human Rights Council that are relevant to the protection of children against bullying,

Recalling also the United Nations Declaration on Human Rights Education and Training,[2] and noting the adoption of the United Nations Educational, Scientific and Cultural Organization Declaration of Principles on Tolerance,[3]

Taking note of the United Nations report on violence against children of 2006,[4] the report of the Special Representative of the Secretary-General on Violence against Children entitled "Tackling violence in schools: a global perspective — bridging the gap between standards and practice", the 2014 thematic report entitled "Releasing children's potential and minimizing risks: information and communication technologies, the Internet and violence against children" and the 2014 report of the United Nations Children's Fund on violence against children, entitled "Hidden in plain sight: a statistical analysis of violence against children", which included references regarding bullying,

Recognizing that bullying, including cyberbullying, can be expressed through violence and aggression and that bullying in any form can have a negative impact on the rights of children and their well-being, and aware of the need to prevent and eliminate bullying among children,

Concerned about the occurrence of bullying in different parts of the world and the fact that children who are victimized by their peers may be at heightened risk for

[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[2] Resolution 66/137, annex.

[3] A/51/201, annex, appendix I.

[4] A/61/299.

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a wide range of emotional problems, as well as potential long-term effects on the individual's ability to realize his or her own potential,

Acknowledging that in some countries, relevant United Nations agencies and mechanisms have been providing, upon request, technical cooperation and support to enhance national capacities to address and prevent bullying,

Recognizing that the family has the primary responsibility for the nurturing and protection of children, in the best interests of the child, and that children, for the full and harmonious development of their personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding,

Recognizing also that environments surrounding children can affect their behaviour, and recognizing further the important role that family members, legal guardians, caregivers, teachers and civil society have and that the media should have in the prevention of bullying,

Recognizing further the importance of generating appropriate statistical information on bullying,

Noting the risks associated with the misuse of new information and communication technologies and applications, including increased vulnerability to bullying, while stressing that these can create new ways to enhance education and, inter alia, learn and teach about the rights of the child, and can be useful tools to promote children's protection,

Recognizing that children in vulnerable situations can be at greater risk of being bullied and that children may face different forms of bullying,

1. *Recognizes* that bullying, including cyberbullying, can have a potential long-term impact on the enjoyment of the human rights of children and negative effects on children affected by or involved in bullying;

2. *Also recognizes* that bullying can be associated with, inter alia, discrimination and stereotypes, and that action must be taken to prevent bullying on any basis;

3. *Encourages* Member States:

(*a*) To take all appropriate measures to prevent and protect children, including in school, from any form of violence, including forms of bullying, by promptly responding to such acts, and to provide appropriate support to children affected by and involved in bullying;

(*b*) To continue to promote and invest in education, including as a long-term and lifelong process by which everyone learns tolerance and respect for the dignity of others and the means and methods of ensuring such respect in all societies;

(*c*) To generate statistical information and data disaggregated by sex, age and other relevant variables at the national level, and to provide information on disability, with regard to the problem of bullying, as a basis on which to elaborate effective public policies;

(*d*) To raise public awareness, involving family members, legal guardians, caregivers, youth, schools, communities, community leaders and the media as well as civil society organizations, with the participation of children, regarding the protection of children from bullying;

(*e*) To share national experiences and best practices for preventing and tackling bullying, including cyberbullying;

4. *Requests* the Secretary-General, using information provided by Member States and relevant stakeholders, in collaboration with relevant United Nations entities, to submit a report to the General Assembly at its seventy-first session on protecting children from bullying, with an emphasis on causes and effects, good practices and guidance to prevent and respond to bullying.

73rd plenary meeting
18 December 2014

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Agenda item 65

Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/485)*]

69/159. Rights of indigenous peoples

The General Assembly,

Recalling all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples, reaffirming its resolutions 65/198 of 21 December 2010, 66/142 of 19 December 2011, 67/153 of 20 December 2012, 68/149 of 18 December 2013 and 69/2 of 22 September 2014, and recalling also Human Rights Council resolution 27/13 of 25 September 2014,

Welcoming the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in New York on 22 and 23 September 2014,[1] in which Heads of State and Government, ministers and representatives of Member States reiterated the important and continuing role of the United Nations in promoting and protecting the rights of indigenous peoples and welcomed the inclusive preparatory process for the high-level plenary meeting, including the comprehensive engagement of the representatives of indigenous peoples,

Reaffirming the United Nations Declaration on the Rights of Indigenous Peoples,[2] which addresses their individual and collective rights,

Stressing the importance of promoting and pursuing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples also through international cooperation to support national and regional efforts to achieve the ends of the Declaration, including the right to maintain and strengthen the distinct political, legal, economic, social and cultural institutions of indigenous peoples and the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State,

Recalling the United Nations Millennium Declaration,[3] the 2005 World Summit Outcome,[4] the outcome document of the high-level plenary meeting of the

[1] Resolution 69/2.

[2] Resolution 61/295, annex.

[3] Resolution 55/2.

[4] Resolution 60/1.

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General Assembly on the Millennium Development Goals [5] and the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, entitled "The future we want",[6]

Recognizing the twenty-fifth anniversary of the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization,[7]

Taking note of the outcome documents of the recent regional review conferences on population and development, including the Regional Conference on Population and Development in Latin America and the Caribbean, which included "Indigenous peoples: interculturalism and rights",

Recognizing the value and the diversity of the cultures and the form of social organization of indigenous peoples and their holistic traditional scientific knowledge of their lands, natural resources and environment,

Recognizing also the importance of traditional sustainable agricultural practices, including traditional seed supply systems, as well as access to credit and other financial services, markets, secure land tenure, health care, social services, education, training, knowledge and appropriate and affordable technologies, including efficient irrigation, the reuse of treated wastewater and water harvesting and storage for indigenous peoples and others living in rural areas,

Welcoming the achievements made during the Second International Decade of the World's Indigenous People, and recognizing that challenges remain in finding solutions to the problems faced by indigenous peoples in such areas as traditional knowledge, science, culture, education, health, human rights, the environment and social and economic development,

Concerned about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators and about the impediments to their full enjoyment of their rights,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth, older persons and persons with disabilities, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting their access to justice,

Recognizing the forthcoming thirtieth anniversary of the United Nations Voluntary Fund for Indigenous Peoples, in 2015,

1. *Notes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, of the Permanent Forum on Indigenous Issues and of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, takes note of her report,[8] and encourages all Governments to respond favourably to her requests for visits;

2. *Welcomes* the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[1] and urges Governments and the United Nations system, in consultation and cooperation

[5] Resolution 65/1.

[6] Resolution 66/288, annex.

[7] United Nations, *Treaty Series*, vol. 1650, No. 28383.

[8] A/69/267.

with indigenous peoples through their representatives and institutions, to implement, when necessary, appropriate measures, concrete policies, plans, programmes, projects and other measures to realize the commitments made in the outcome document, and invites international and regional organizations, within their respective mandates, national human rights institutions, where they exist, civil society, including non-governmental organizations, and other relevant actors to contribute to those efforts;

3. *Reiterates* the commitment of Member States to cooperate with indigenous peoples, through their own representative institutions, to develop and implement national action plans, strategies or other measures, where relevant, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples;[2]

4. *Takes note with appreciation* of the final report of the Secretary-General on the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People,[9] one of the major highlights of which was the adoption, in 2007, of the United Nations Declaration on the Rights of Indigenous Peoples, but regrets that gaps remain between the formal recognition of indigenous peoples' rights and the implementation of policies on the ground;

5. *Decides* to convene a high-level event to mark the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, to be held during the seventy-first session of the General Assembly, in 2017, and that the event will take stock of the achievements of the preceding 10 years and assess the remaining challenges for the rights of indigenous peoples, and also consider the further follow-up to the Declaration, including the consideration of a third International Decade;

6. *Welcomes* the designation by the Secretary-General of the Under-Secretary-General for Economic and Social Affairs as the senior official of the United Nations system responsible for coordinating follow-up action to the World Conference on Indigenous Peoples, in order, in consultation and cooperation with indigenous peoples, the Inter-Agency Support Group on Indigenous Peoples' Issues and Member States, to begin development, within existing resources, of a system-wide action plan to ensure a coherent approach to achieving the ends of the Declaration on the Rights of Indigenous Peoples, raising awareness of the rights of indigenous peoples and increasing the coherence of the activities of the system in this regard;

7. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization[7] to consider doing so and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support of States for the Declaration;

8. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the United Nations Voluntary Fund for Indigenous Peoples, the Trust Fund on Indigenous Issues and the United Nations Indigenous Peoples' Partnership, and invites indigenous organizations and private institutions and individuals to do likewise;

[9] A/69/271.

9. *Decides* to continue observing in New York, Geneva and other United Nations offices every year on 9 August the International Day of Indigenous Peoples, to request the Secretary-General to support the observance of the day from within existing resources and to encourage Governments to observe the day at the national level;

10. *Encourages* States to consider including in their reports related to indigenous peoples and women information on the progress made and challenges in the implementation of Commission on the Status of Women resolutions 49/7 of 11 March 2005, entitled "Indigenous women: beyond the ten-year review of the Beijing Declaration and Platform for Action",[10] and 56/4 of 9 March 2012, entitled "Indigenous women: key actors in poverty and hunger eradication";[11]

11. *Also encourages* States, in consultation and cooperation with indigenous peoples, to take the appropriate measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and to promote awareness of it among all sectors of society, including members of legislative, judicial and civil service bodies;

12. *Underlines* the need to intensify efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous women, children, youth, older persons and persons with disabilities and to support measures that will ensure their empowerment and full and effective participation in decision-making processes at all levels and in all areas and eliminate barriers to their full, equal and effective participation in political, economic, social and cultural life;

13. *Stresses* the need to strengthen the commitment of States and the entities of the United Nations system to mainstream the promotion and protection of the rights of indigenous peoples into development agendas at the national, regional and international levels, and encourages giving due consideration to the rights of indigenous peoples in the ongoing discussion of the post-2015 development agenda;

14. *Encourages* States and entities of the United Nations system to strengthen international cooperation, including to address the disadvantages faced by indigenous peoples, and to increase technical cooperation and financial assistance in this regard;

15. *Reaffirms* its decision in the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples to continue at its seventieth session the consideration of ways to enable the participation of indigenous peoples' representatives and organizations in meetings of relevant United Nations bodies on issues affecting them, including any specific proposals made by the Secretary-General in this regard;

16. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Peoples[12] and requests the High Commissioner to submit a report to the General Assembly at its seventy-first session;

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[10] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. D.

[11] Ibid., *2012, Supplement No. 7* and corrigendum (E/2012/27 and Corr.1), chap. I, sect. D.

[12] A/69/278.

17. *Decides* to include in the provisional agenda of its seventieth session, under the item entitled "Rights of indigenous peoples", a sub-item entitled "Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples".

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Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/486)*]

69/160. Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008,[6] 18/15 of 29 September 2011[7] and 21/33 of 28 September 2012,[8] as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009, 65/199 of 21 December 2010, 66/143 of 19 December 2011, 67/154 of 20 December 2012 and 68/150 of 18 December 2013 on this issue and its resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December 2009, 65/240 of 24 December 2010, 66/144 of 19 December 2011, 67/155 of 20 December 2012 and 68/151 of 18 December 2013, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 660, No. 9464.

[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[7] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.

[8] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. II.

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Acknowledging other important initiatives of the General Assembly aimed at raising awareness about the suffering of victims of racism, racial discrimination, xenophobia and related intolerance, including in the historical perspective, in particular regarding commemoration of the victims of slavery and the transatlantic slave trade,

Recalling the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized as criminal, inter alia, the SS organization and all its integral parts, including the Waffen SS, through its officially accepted members implicated in or with knowledge of the commission of war crimes and crimes against humanity connected with the Second World War, as well as other relevant provisions of the Charter and the Judgement,

Recalling also the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[9] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference of 24 April 2009,[10] in particular paragraphs 11 and 54,

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as racist extremist movements and ideologies,

Deeply concerned by all recent manifestations of violence and terrorism incited by violent nationalism, racism, xenophobia and related intolerance,

Recalling that in 2015 the international community will celebrate the seventieth anniversary of victory over Nazism in the Second World War, and looking forward in this regard to the initiative to hold a special solemn meeting at the sixty-ninth session of the General Assembly,

1. *Reaffirms* the relevant provisions of the Durban Declaration[9] and of the outcome document of the Durban Review Conference,[10] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note with appreciation* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in General Assembly resolution 68/150;[11]

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights and his Office for their efforts to fight racism, racial discrimination, xenophobia and related intolerance, including the maintenance by the Office of the database on practical means to combat racism, racial discrimination, xenophobia and related intolerance;

4. *Expresses deep concern* about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations

[9] See A/CONF.189/12 and Corr.1, chap. I.

[10] See A/CONF.211/8, chap. I.

[11] A/69/334.

in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

5. *Calls for* the universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and encourages those States parties that have not yet done so to consider making the declaration under its article 14, thus providing the Committee on the Elimination of Racial Discrimination with the competence to receive and consider communications from individuals or groups of individuals within their jurisdiction claiming to be victims of a violation by a State party of any of the rights set forth in the Convention;

6. *Emphasizes* the recommendation of the Special Rapporteur that "any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited by States",[12] and stresses in this regard that it is important that States take measures, in accordance with international human rights law, to counteract any celebration of the Nazi SS organization and all its integral parts, including the Waffen SS;

7. *Expresses concern* about recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[13]

8. *Notes with concern* the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting, inter alia, persons belonging to national, ethnic, religious or linguistic minorities;

9. *Reaffirms* that such acts may be qualified to fall within the scope of the Convention, that they may not be justified when they fall outside the scope of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of expression and that they may fall within the scope of article 20 of the International Covenant on Civil and Political Rights[2] and may be subject to certain restrictions, as set out in articles 19, 21 and 22 of the Covenant;

10. *Condemns* without reservation any denial or attempt to deny the Holocaust;

11. *Welcomes* the call of the Special Rapporteur for the active preservation of those Holocaust sites that served as Nazi death camps, concentration and forced labour camps and prisons, as well as his encouragement of States to take measures, including legislative, law enforcement and educational measures, to put an end to all forms of Holocaust denial;

12. *Calls upon* States to continue to take adequate steps, including through national legislation, in accordance with international human rights law, aimed at the

[12] Ibid., para. 75.

[13] United Nations, *Treaty Series*, vol. 1125, No. 17512.

prevention of hate speech and incitement to violence against persons belonging to vulnerable groups;

13. *Expresses deep concern* about attempts at commercial advertising aimed at exploiting the sufferings of the victims of war crimes and crimes against humanity committed during the Second World War by the Nazi regime;

14. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and may negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter, including those related to the purposes and principles of the Organization;

15. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased vigilance;

16. *Expresses concern* that the human rights and democratic challenges posed by extremist political parties, movements and groups are universal and no country is immune to them;

17. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and extremist movements, which pose a real threat to democratic values;

18. *Encourages* States to adopt further measures to provide training for the police and other law enforcement bodies on the ideologies of extremist political parties, movements and groups whose advocacy constitutes incitement to racist and xenophobic violence, to strengthen their capacity to address racist and xenophobic crimes, to fulfil their responsibility of bringing to justice the perpetrators of such crimes and to combat impunity;

19. *Notes* the recommendation of the Special Rapporteur regarding the responsibility of political leaders and parties in relation to messages that incite racial discrimination or xenophobia;

20. *Expresses concern* that ethnic profiling and police violence against vulnerable groups discourage victims from seeking redress owing to distrust of the legal system, and in this regard encourages States to improve diversity within law enforcement agencies and impose appropriate sanctions against those within the public service found guilty of racially motivated violence or of using hate speech;

21. *Recalls* the recommendation of the Special Rapporteur to introduce into national criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance allowing for enhanced penalties, and encourages those States whose legislation does not contain such provisions to consider that recommendation;

22. *Underlines* that the roots of extremism are multifaceted and must be addressed through adequate measures such as education, awareness-raising and the promotion of dialogue, and in this regard recommends the increase of measures to

raise awareness among young people of the dangers of the ideologies and activities of extremist political parties, movements and groups;

23. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur;

24. *Emphasizes* the recommendation of the Special Rapporteur presented at the sixty-fourth session of the General Assembly, in which he emphasized the importance of history classes in teaching the dramatic events and human suffering which arose out of the adoption of ideologies such as Nazism and Fascism;[14]

25. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives, which require continued State support;

26. *Calls upon* States to continue to invest in education, in both conventional and non-conventional curricula, inter alia, in order to transform attitudes and correct ideas of racial hierarchies and superiority promoted by extremist political parties, movements and groups and counter their negative influence;

27. *Underlines* the positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

28. *Reaffirms* article 4 of the Convention, according to which States parties to that instrument condemn all propaganda and all organizations that are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or that attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to that end, with due regard to the principles embodied in the Universal Declaration of Human Rights[1] and the rights expressly set forth in article 5 of the Convention, inter alia:

(*a*) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(*b*) Shall declare illegal and prohibit organizations, and organized and all other propaganda activities, that promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(*c*) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;

29. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence

[14] A/64/295, para. 104.

should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

30. *Recognizes* the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

31. *Expresses concern* about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and in this regard calls upon States parties to the Covenant to implement fully articles 19 and 20 thereof, which guarantee the right to freedom of expression and outline the grounds on which the exercise of this right can be legitimately restricted;

32. *Recognizes* the need to promote the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

33. *Also recognizes* the positive role that the media can play in combating racism, racial discrimination, xenophobia and related intolerance, promoting a culture of tolerance and representing the diversity of a multicultural society;

34. *Encourages* States, civil society and other relevant stakeholders to use all opportunities, including those provided by the Internet and social media, to counter, in accordance with international human rights law, the dissemination of ideas based on racial superiority or hatred and to promote the values of equality, non-discrimination, diversity and democracy;

35. *Encourages* those States that have made reservations to article 4 of the Convention to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur;

36. *Notes* the importance of strengthening cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

37. *Stresses* the importance of cooperating closely with civil society and international and regional human rights mechanisms in order to counter effectively all manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other similar extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

38. *Encourages* States parties to the Convention to ensure that their legislation incorporates the provisions of the Convention, including those of article 4;

39. *Encourages* States to adopt the legislation necessary to combat racism while ensuring that the definition of racial discrimination set out therein complies with article 1 of the Convention;

40. *Recalls* that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements should

be in conformity with the relevant international human rights norms, in particular articles 4 and 5 of the Convention and articles 19 to 22 of the Covenant;

41. *Also recalls* the request of the Commission on Human Rights, in its resolution 2005/5,[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

42. *Encourages* States to consider including in their reports for the universal periodic review and to relevant treaty bodies information on the steps taken to combat racism, racial discrimination, xenophobia and related intolerance, including with the aim of implementing the provisions of the present resolution;

43. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its seventieth session and to the Human Rights Council at its twenty-ninth session, reports on the implementation of the present resolution, in particular regarding paragraphs 4, 6, 7, 9, 13, 14, 24 and 25 above, based on the views collected in accordance with the request of the Commission, as recalled in paragraph 41 above;

44. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his reports to the General Assembly;

45. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

46. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 43 above;

47. *Encourages* Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through the media, but not limited to it;

48. *Decides* to remain seized of the issue.

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Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/486)*]

69/161. International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its resolution 67/156 of 20 December 2012,

Recalling also its resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system,

1. *Takes note* of the report of the Secretary-General[1] on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[2]

2. *Also takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination,[3] and invites the Secretary-General to follow up with States parties that are in arrears, as articulated in the report, to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

3. *Further takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its eighty-first and eighty-second[4] and its eighty-third and eighty-fourth[5] sessions;

4. *Reiterates*, in the run-up to the fiftieth anniversary of the adoption of the Convention, its call for the universal ratification and effective implementation of the Convention by all States parties to eliminate all forms of racial discrimination;

5. *Invites* the Chair of the Committee to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its seventy-first session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance";

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[1] A/69/329.

[2] United Nations, *Treaty Series*, vol. 660, No. 9464.

[3] A/69/328.

[4] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 18* (A/68/18).

[5] Ibid., *Sixty-ninth Session, Supplement No. 18* (A/69/18).

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6. *Decides* to consider, at its seventy-first session, under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", the reports of the Committee on its eighty-fifth and eighty-sixth and its eighty-seventh and eighty-eighth sessions, the report of the Secretary-General on the financial situation of the Committee, should the financial situation of the Committee change, and the report of the Secretary-General on the status of the Convention.

73rd plenary meeting
18 December 2014

General Assembly

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Sixty-ninth session
Agenda item 66 (*b*)

Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/486)*]

69/162. A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference,[1] and in this regard underlining the imperative need for their full and effective implementation,

Stressing that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance has the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields, and that the Durban Declaration and Programme of Action remains a solid basis and the only instructive outcome of the World Conference, which prescribes comprehensive measures for combating all the scourges of racism and adequate remedies for victims,

Recalling the three Decades for Action to Combat Racism and Racial Discrimination previously declared by the General Assembly, and regretting that the Programmes of Action for those Decades were not fully implemented and that their objectives are yet to be attained,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Underlining the intensity, magnitude and organized nature of slavery and the slave trade, including the transatlantic slave trade, and the associated historical

[1] See A/CONF.189/12 and Corr.1, chap. I.

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injustices, as well as the untold suffering caused by colonialism and apartheid, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples continue to be victims of the cascading effects of those legacies,

Acknowledging the efforts and initiatives undertaken by States to prohibit racial discrimination and racial segregation and to engender the full enjoyment of economic, social and cultural rights, as well as civil and political rights,

Emphasizing that, despite efforts in this regard, millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, some of which manifest in violent forms,

Welcoming the efforts made by civil society in support of the follow-up mechanisms in the implementation of the Durban Declaration and Programme of Action,

Recalling the appointment of the five independent eminent experts on 16 June 2003 by the Secretary-General, pursuant to General Assembly resolution 56/266 of 27 March 2002, with the mandate to follow up on the implementation of the provisions of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon, and in this regard underlining the role played and still to be played by those independent eminent experts in mobilizing global political will for concrete action for the total elimination of all the scourges of racism, racial discrimination, xenophobia and related intolerance,

Underlining the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action,

Recalling its resolution 2142 (XXI) of 26 October 1966, in which it proclaimed 21 March as the International Day for the Elimination of Racial Discrimination,

Recalling also its resolution 62/122 of 17 December 2007, in which it designated 25 March as an annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade,

Recalling further the suffering of the victims of racism, racial discrimination, xenophobia and related intolerance, and the need to honour their memory,

Noting that 2016 will mark the fifteenth anniversary of the Durban Declaration and Programme of Action, and looking forward to its commemoration,

Recognizing and affirming that the global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and contemporary forms and manifestations is a matter of priority for the international community,

I

International Convention on the Elimination of All Forms of Racial Discrimination

1. *Reaffirms* the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[2] adopted by the General Assembly in its resolution 2106 A (XX) of 21 December 1965, in addressing the scourges of racism and racial discrimination;

2. *Calls upon* States that have not done so to consider acceding to the Convention, and States parties to make the declaration under article 14 of the Convention, as a matter of urgency;

3. *Underlines*, in the above context, that the provisions of the Convention do not respond effectively to contemporary manifestations of racial discrimination, in particular in relation to xenophobia and related intolerance, which is recognized as the rationale behind the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;

4. *Takes note* of the acknowledgement by the Human Rights Council and its subsidiary structures of the existence of both procedural and substantive gaps in the aforementioned Convention, which must be filled as a matter of urgency, necessity and priority;

5. *Invites* the Human Rights Council, in conjunction with its Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, in the execution of its mandate, to continue to elaborate complementary standards in order to fill existing gaps in the Convention, in the form of new normative standards aimed at combating all forms of contemporary and resurgent racism, and in this regard, areas such as xenophobia, Islamophobia, anti-Semitism and incitement to national or ethnic and religious hatred that have been identified as constituting substantive gaps;

II

International Decade for People of African Descent

6. *Welcomes* the proclamation of the International Decade for People of African Descent, as contained in its resolution 68/237 of 23 December 2013, and the celebratory launch of the Decade on 10 December 2014;

7. *Also welcomes* the adoption of the programme of activities for the implementation of the International Decade for People of African Descent;[3]

8. *Requests* the Human Rights Council, through the Chair of the Working Group of Experts on People of African Descent, to submit a report on the work of the Working Group to the General Assembly, and in this regard invites the Chair of the Working Group to engage in an interactive dialogue with the Assembly under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance" at its seventieth session;

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[2] United Nations, *Treaty Series*, vol. 660, No. 9464.

[3] Resolution 69/16, annex.

III

Office of the United Nations High Commissioner for Human Rights

9. *Welcomes* the positive response by the United Nations High Commissioner for Human Rights to the requests made by the Human Rights Council, in its resolution 6/22 of 28 September 2007,[4] and by the General Assembly, in its resolution 68/151 of 18 December 2013, to realign the work and the name of the erstwhile Anti-Discrimination Unit in the Office of the United Nations High Commissioner for Human Rights, and also welcomes its renaming as the Anti-Racial Discrimination Section and the realignment of its operational activities to focus exclusively on racism, racial discrimination, xenophobia and related intolerance, as defined in paragraphs 1 and 2 of the Durban Declaration;[1]

10. *Also welcomes* the inclusion of the historic and landmark World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 among the 20 major achievements of the Office of the High Commissioner since the adoption of the Vienna Declaration and Programme of Action in 1993;[5]

11. *Requests* the Secretary-General and the Office of the High Commissioner to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,[1] the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

IV

Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action

12. *Reiterates* its requests to the Secretary-General, pursuant to its resolution 68/151, to revitalize and reactivate the operational activities of the group of independent eminent experts;

13. *Reiterates* its invitation to the Human Rights Council, pursuant to paragraph 16 of General Assembly resolution 68/151, to ensure the visibility, effective participation and optimal utilization of the vast knowledge and experience of the group of independent eminent experts within its subsidiary structures, charged with the mandate of and responsibility for the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and in this regard requests the Council to submit a progress report to the Assembly at its seventieth session;

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[4] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[5] A/CONF.157/24 (Part I), chap. III.

V

Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination

14. *Recalls* the establishment by the Secretary-General, in 1973, of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination as a funding mechanism that has been utilized for the implementation of the activities of the three Decades for Action to Combat Racism and Racial Discrimination declared by the General Assembly, and in this regard appreciates the fact that the Trust Fund has also been utilized for the subsequent programmes and operational activities transcending the three Decades;

15. *Requests* the Secretary-General to include, in his report on the implementation of the present resolution to the General Assembly at its seventieth session, a section outlining the progress in the implementation of paragraph 18 of its resolution 68/151, regarding the revitalization of the Trust Fund for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and enhancing the effectiveness of the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

16. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals as well as other donors in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, and to that end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

VI

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

17. *Takes note* of the reports of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[6] and encourages the Special Rapporteur, within his mandate, to continue to focus on the issues of racism, racial discrimination, xenophobia and related intolerance and incitement to hatred, which impede peaceful coexistence and harmony within societies, and to submit reports in this regard to the Human Rights Council and the General Assembly;

18. *Reiterates* the invitation to the Special Rapporteur to consider examining national models of mechanisms that measure racial equality and their added value in the eradication of racial discrimination and to report on such challenges, successes and best practices in his next report;

VII

Follow-up and implementation activities

19. *Reiterates* its request to the Human Rights Council to develop and adopt a multi-year programme of activities to provide for the renewed and strengthened

[6] A/69/334 and A/69/340.

outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution that it has made in the struggle against racism, racial discrimination, xenophobia and related intolerance;

20. *Calls upon* the Human Rights Council to commence preparations for the commemoration of the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action, including through the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;

21. *Requests* the Secretary-General to submit to the General Assembly at its seventieth session a report on the implementation of the present resolution;

22. *Requests* the President of the General Assembly and the President of the Human Rights Council to continue convening annual commemorative meetings of the Assembly and the Council during the commemoration of the International Day for the Elimination of Racial Discrimination, with the appropriate focus and themes, and to hold a debate on the state of racial discrimination worldwide, with the participation of the Secretary-General and the United Nations High Commissioner for Human Rights, and in this context encourages the participation of eminent personalities active in the field of racial discrimination, Member States and civil society organizations in accordance with the rules of procedure of the Assembly and the Council, respectively;

23. *Decides* to remain seized of this priority matter at its seventieth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

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Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/487)*]

69/163. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 68/152 of 18 December 2013, and Human Rights Council resolutions 15/12 of 30 September 2010,[1] 15/26 of 1 October 2010,[2] 18/4 of 29 September 2011,[3] 21/8 of 27 September 2012,[4] 24/13 of 26 September 2013[5] and 27/10 of 25 September 2014,[6] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[7] as well as by the African Union,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of

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[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

[2] Ibid., chap. I.

[3] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.

[4] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[5] Ibid., *Sixty-eighth Session, Supplement No. 53A* (A/68/53/Add.1), chap. III.

[6] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigendum (A/69/53/Add.1 and Corr.1), chap. IV, sect. A.

[7] United Nations, *Treaty Series*, vol. 1490, No. 25573.

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peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[8]

Welcoming the establishment of the open-ended intergovernmental working group of the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from international criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Acknowledges with appreciation* the work and contributions of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including its research activities, and takes note with appreciation of its latest report;[9]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries on the global market;

4. *Urges once again* all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities

[8] Resolution 2625 (XXV), annex.

[9] A/69/338.

designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[10]

9. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group on the use of mercenaries and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group on the use of mercenaries of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

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[10] United Nations, *Treaty Series*, vol. 2163, No. 37789.

14. *Recalls* the holding of the third session of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, expresses satisfaction at the participation of experts, including of the members of the Working Group on the use of mercenaries, as resource persons at the above-mentioned session, and requests the Working Group and other experts to continue their participation during the fourth session of the open-ended intergovernmental working group;

15. *Requests* the Working Group on the use of mercenaries to continue the work already done by previous Special Rapporteurs on the use of mercenaries on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination in his report to the Commission on Human Rights at its sixtieth session;[11]

16. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

17. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, contribute to the work of the open-ended intergovernmental working group, taking into account the initial work done by the Working Group on the use of mercenaries;

18. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Working Group on the use of mercenaries with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

20. *Requests* the Working Group on the use of mercenaries to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its seventieth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

[11] See E/CN.4/2004/15, para. 47.

21. *Decides* to consider at its seventieth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

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Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/487)*]

69/164. Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 68/153 of 18 December 2013,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of

[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

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16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and with honour;

5. *Requests* the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its seventieth session under the item entitled "Right of peoples to self-determination".

73rd plenary meeting
18 December 2014

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[3] A/69/342.

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Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/487)*]

69/165. The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

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[1] Resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] Resolution 1514 (XV).

[4] A/CONF.157/24 (Part I), chap. III.

[5] Resolution 50/6.

[6] Resolution 55/2.

[7] See A/ES-10/273 and Corr.1.

[8] Ibid., advisory opinion, para. 88.

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Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides, based on the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative[10] and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[11]

Stressing also the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 68/154 of 18 December 2013,

Taking note of its resolution 67/19 of 29 November 2012,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

73rd plenary meeting
18 December 2014

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[9] Ibid., para. 122.

[10] A/56/1026-S/2002/932, annex II, resolution 14/221.

[11] S/2003/529, annex.

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Agenda item 68 (*b*)

Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/488/Add.2 and Corr.1)*]

69/166. The right to privacy in the digital age

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2]

Reaffirming further the Vienna Declaration and Programme of Action,[3]

Recalling its resolution 68/167 of 18 December 2013 on the right to privacy in the digital age,

Welcoming the adoption by the Human Rights Council of resolution 26/13 of 26 June 2014 on the promotion, protection and enjoyment of human rights on the Internet,[4]

Welcoming also the work of the Office of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age, noting with interest its report on the subject,[5] and recalling the panel discussion on the right to privacy in the digital age held during the twenty-seventh session of the Human Rights Council,

Noting the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism[6] and the report of the Special Rapporteur of the Council on the promotion and protection of the right to freedom of opinion and expression,[7]

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

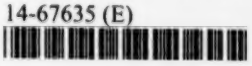
[3] A/CONF.157/24 (Part I), chap. III.

[4] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

[5] A/HRC/27/37.

[6] A/69/397.

[7] A/HRC/23/40 and Corr.1.



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Noting with appreciation general comment No. 16 of the Human Rights Committee on the right to respect of privacy, family, home and correspondence, and protection of honour and reputation, while also noting the vast technological leaps that have taken place since its adoption,[8]

Recognizing the need to further discuss and analyse, based on international human rights law, issues relating to the promotion and protection of the right to privacy in the digital age, procedural safeguards, effective domestic oversight and remedies, the impact of surveillance on the right to privacy and other human rights, as well as the need to examine the principles of non-arbitrariness and lawfulness, and the relevance of necessity and proportionality assessments in relation to surveillance practices,

Noting the holding of the Global Multi-stakeholder Meeting on the Future of Internet Governance, "NETmundial", in São Paulo, Brazil, in April 2014, and recognizing that effectively addressing the challenges relating to the right to privacy in the context of modern communications technology will require an ongoing, concerted multi-stakeholder engagement,

Noting also that the rapid pace of technological development enables individuals all over the world to use new information and communication technologies and at the same time enhances the capacity of governments, companies and individuals to undertake surveillance, interception and data collection, which may violate or abuse human rights, in particular the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, and is therefore an issue of increasing concern,

Reaffirming the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of the right to freedom of expression and to hold opinions without interference and the right to freedom of peaceful assembly and association, and is one of the foundations of a democratic society,

Stressing the importance of full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information and democratic participation,

Noting that while metadata can provide benefits, certain types of metadata, when aggregated, can reveal personal information and can give an insight into an individual's behaviour, social relationships, private preferences and identity,

Emphasizing that unlawful or arbitrary surveillance and/or interception of communications, as well as unlawful or arbitrary collection of personal data, as highly intrusive acts, violate the right to privacy, can interfere with the right to freedom of expression and may contradict the tenets of a democratic society, including when undertaken on a mass scale,

Noting in particular that surveillance of digital communications must be consistent with international human rights obligations and must be conducted on the basis of a legal framework, which must be publicly accessible, clear, precise,

[8] *Official Records of the General Assembly, Forty-third Session, Supplement No. 40* (A/43/40), annex VI.

comprehensive and non-discriminatory and that any interference with the right to privacy must not be arbitrary or unlawful, bearing in mind what is reasonable to the pursuance of legitimate aims, and recalling that States that are parties to the International Covenant on Civil and Political Rights must undertake the necessary steps to adopt laws or other measures as may be necessary to give effect to the rights recognized in the Covenant,

Emphasizing that States must respect international human rights obligations regarding the right to privacy when they intercept digital communications of individuals and/or collect personal data and when they require disclosure of personal data from third parties, including private companies,

Recalling that business enterprises have a responsibility to respect human rights as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,[9]

Deeply concerned at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, as well as the collection of personal data, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats and harassment and suffer insecurity as well as unlawful or arbitrary interference with their right to privacy as a result of their activities,

Noting that while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law,

Noting also in that respect that the prevention and suppression of terrorism is a public interest of great importance, while reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights, refugee and humanitarian law,

1. *Reaffirms* the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights[1] and article 17 of the International Covenant on Civil and Political Rights;[2]

2. *Recognizes* the global and open nature of the Internet and the rapid advancement in information and communications technologies as a driving force in accelerating progress towards development in its various forms;

3. *Affirms* that the same rights that people have offline must also be protected online, including the right to privacy;

4. *Calls upon* all States:

(*a*) To respect and protect the right to privacy, including in the context of digital communication;

[9] A/HRC/17/31, annex.

(*b*) To take measures to put an end to violations of those rights and to create the conditions to prevent such violations, including by ensuring that relevant national legislation complies with their obligations under international human rights law;

(*c*) To review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law;

(*d*) To establish or maintain existing independent, effective, adequately resourced and impartial judicial, administrative and/or parliamentary domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and the collection of personal data;

(*e*) To provide individuals whose right to privacy has been violated by unlawful or arbitrary surveillance with access to an effective remedy, consistent with international human rights obligations;

5. *Encourages* the Human Rights Council to remain actively seized of the debate, with the purpose of identifying and clarifying principles, standards and best practices regarding the promotion and protection of the right to privacy, and to consider the possibility of establishing a special procedure to that end;

6. *Decides* to remain seized of the matter.

73rd plenary meeting
18 December 2014

General Assembly

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Sixty-ninth session
Agenda item 68 (*b*)

Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/488/Add.2 and Corr.1)*]

69/167. Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 68/179 of 18 December 2013, and recalling also Human Rights Council resolution 26/21 of 27 June 2014,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Recalling all relevant international instruments, particularly the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

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[1] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] Ibid., vol. 1249, No. 20378.

[6] Ibid., vol. 1577, No. 27531.

[7] Ibid., vol. 660, No. 9464.

[8] Ibid., vol. 2515, No. 44910.

[9] Ibid., vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

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Acknowledging the relevant contribution of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the international system for the protection of migrants,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want",[11] in which States are called upon to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability,

Recalling also the provisions concerning migrants contained in the outcome documents of major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[12]

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[13] and 2009/1 of 3 April 2009,[14] and its resolution 2013/1 of 26 April 2013 on new trends in migration: demographic aspects,[15]

Taking note of advisory opinion OC 16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC 18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[16] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena* Judgment,[17] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing that women represent almost half of all international migrants, and in this regard recognizing also that women migrant workers are important contributors to social and economic development in countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

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[11] Resolution 66/288, annex.

[12] Resolution 63/303, annex.

[13] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[14] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[15] Ibid., *2013, Supplement No. 5* (E/2013/25), chap. I, sect. B.

[16] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.

[17] Ibid., *Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.

Recognizing also the importance of the second High-level Dialogue on International Migration and Development, held on 3 and 4 October 2013, which recognized the important contribution of migration in realizing the Millennium Development Goals and recognized that human mobility is a key factor for sustainable development, which should receive due consideration in the elaboration of the post-2015 development agendas,

Taking note of the conclusions and recommendations of the seventh meeting of the Global Forum on Migration and Development, held in Sweden in May 2014, focused on the theme "Unlocking the potential of migration for inclusive development", which stressed the positive economic, social and cultural contributions of migrants to the development of the countries of origin and destination, and reiterated the importance of respect for the human rights of all migrants, regardless of their migration status,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, especially in the light of the impact of the financial and economic crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the multidimensional character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of all migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of continued security concerns,

Acknowledging the complexity of migratory flows and that international migration movements also occur within the same geographical regions, and in this context calling for a better understanding of migration patterns across and within regions,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Affirming that migrant smuggling and crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, including when implementing their specific migration and border security policies, and expressing its concern at measures

which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence, where the effect of doing so is to deny migrants the full enjoyment of their human rights and fundamental freedoms, and in this regard recalling that sanctions and the treatment given to irregular migrants should be commensurate with their offences,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Recognizing the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, including those unaccompanied or separated from their parents, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Recognizing the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with civil society, including non-governmental organizations, workers' organizations and the private sector, among other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of financial and economic crises and natural disasters on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, in particular migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(*a*) Strongly condemns the acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, to reinforce the existing laws when hate crimes, xenophobic or intolerant acts, manifestations or expressions against migrants occur in order to eradicate impunity for those who commit those acts and, where appropriate, to provide effective remedy to the victims;

(*b*) Encourages States to establish or, when appropriate, strengthen mechanisms which allow migrants to report alleged cases of abuse by relevant authorities and employers without fear of reprisals, and that allow for such complaints to be addressed fairly;

(*c*) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(*d*) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(*e*) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(*f*) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its nineteenth and twentieth sessions;[18]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(*a*) Calls upon all States to respect the human rights and inherent dignity of migrants, to put an end to arbitrary arrest and detention and, in order to avoid excessive detention of irregular migrants, to review, where necessary, detention periods and to use alternatives to detention, where appropriate, including measures that have been successfully implemented by some States;

(*b*) Encourages States to put in place, if they have not yet done so, appropriate systems and procedures in order to ensure that the best interests of the child are a primary consideration in all actions or decisions concerning migrant children, regardless of their migration status, and to use, when applicable, alternatives to the detention of migrant children;

(*c*) Encourages States to cooperate and to take appropriate measures to prevent, combat and address the smuggling of migrants, including strengthening laws, policies, information sharing and joint operational functions, enhancing capacities and support opportunities for migration in a well-managed, safe and dignified manner and strengthening legislative methods for criminalizing acts of smuggling migrants;

(*d*) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

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[18] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 48* (A/69/48).

(*e*) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, and to adequately train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with their obligations under international human rights law;

(*f*) Calls upon States to prosecute, in conformity with applicable law, acts of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from the country of origin to the country of destination and vice versa, including transit across national borders;

(*g*) Recognizes the particular vulnerability of migrants in transit situations, including through national borders, and the need to ensure full respect for their human rights also in these circumstances;

(*h*) Also recognizes the importance of coordinated efforts of the international community to assist and support migrants stranded in vulnerable situations;

(*i*) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(*j*) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their migration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(*k*) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(*l*) Invites Member States to consider ratifying relevant conventions of the International Labour Organization, including Convention No. 189 on decent work for domestic workers;

(*m*) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(*n*) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(*a*) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and

inhumane conditions and in flagrant violation of national laws and international law and contrary to international standards;

(*b*) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(*c*) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(*d*) Calls upon States that have not already done so to provide for the protection of the human rights of women migrant workers, to promote fair labour conditions and to ensure that all women, including care workers, are legally protected against violence and exploitation;

(*e*) Encourages States to implement gender-sensitive policies and programmes for women migrant workers, to provide safe and legal channels that recognize the skills and education of women migrant workers and, as appropriate, to facilitate their productive employment, decent work and integration into the labour force, including in the fields of education and science and technology;

(*f*) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration;

(*g*) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(*h*) Encourages all States to prevent and eliminate discriminatory policies and legislation at all levels of government that deny migrant children access to education and, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin;

(*i*) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including unaccompanied children and persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child, clarity about reception and care arrangements and family reunification;

(*j*) Urges States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto[19] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

[19] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

6. *Encourages* States to take into account the conclusions and recommendations of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration[20] when designing and implementing their migration policies;

7. *Also encourages* States to protect migrant victims of national and transnational organized crime, including kidnapping and trafficking and, in some instances, smuggling, including through the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance, where appropriate;

8. *Encourages* Member States that have not already done so to enact national legislation and to take further effective measures to combat trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude, exploitation, debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to prevent, investigate and combat such trafficking in persons and smuggling;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(*a*) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(*b*) Encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(*c*) Also encourages States to cooperate effectively in protecting witnesses in cases of smuggling of migrants, regardless of their migration status;

(*d*) Further encourages States to cooperate effectively in protecting witnesses and victims in cases of trafficking in persons, regardless of their migration status;

(*e*) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

10. *Encourages* giving appropriate consideration to the issue of migration and development in the preparation of the post-2015 development agenda through,

[20] A/HRC/15/29.

inter alia, integrating a human rights perspective and mainstreaming a gender perspective, and therefore:

(*a*) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Human Rights Council on the human rights of migrants, the Special Representative of the Secretary-General on International Migration and Development and the International Organization for Migration and other members of the Global Migration Group, to give due consideration to international migration in the elaboration of the post-2015 development agenda;

(*b*) Recognizes the importance of the contribution of the High Commissioner, the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur, as well as other key actors, to the discussion on international migration;

11. *Encourages* States, relevant international organizations, civil society, including non-governmental organizations, and the private sector to continue and to enhance their dialogue in relevant international meetings with a view to strengthening and making more inclusive public policies aimed at promoting and respecting human rights, including those of migrants;

12. *Requests* Governments and international organizations to take appropriate measures to give due consideration to the declaration of the High-level Dialogue on International Migration and Development held on 3 and 4 October 2013;[21]

13. *Invites* the Chair of the Committee to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its seventieth session, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

14. *Invites* the Special Rapporteur to submit his report to the General Assembly and to engage in an interactive dialogue at its seventieth session, under the item entitled "Promotion and protection of human rights";

15. *Takes note* of the report of the Special Rapporteur submitted to the General Assembly at its sixty-ninth session in accordance with resolution 68/179;[22]

16. *Takes note with appreciation* of the report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants,[23] and notes the recommended principles and guidelines on human rights at international borders prepared by the Office of the United Nations High Commissioner for Human Rights referenced therein;

[21] Resolution 68/4.

[22] A/69/302.

[23] A/69/277.

17. *Requests* the Secretary-General to submit to the General Assembly at its seventieth session a report on the implementation of the present resolution.

73rd plenary meeting
18 December 2014

Recognizing the role of the existing Ombudsman, whether a male or female, mediator and other national human rights institutions in the promotion and protection of human rights and fundamental freedoms,

Underlining the importance of the autonomy and independence of the Ombudsman, mediator and other national human rights institutions, where they exist, in order to enable them to consider all issues related to their fields of competence,

Considering the role of the Ombudsman, mediator and other national human rights institutions in promoting good governance in public administrations, as well as improving their relations with citizens, and in strengthening the delivery of public services,

Considering also the important role of the existing Ombudsman, mediator and other national human rights institutions in contributing to the effective realization of the rule of law and respect for the principles of justice and equality,

Stressing that these institutions, where they exist, can play an important role in advising Governments with respect to bringing national legislation and national practices into line with their international human rights obligations,

Stressing also the importance of international cooperation in the field of human rights, and recalling the role played by regional and international associations of the Ombudsman, mediator and other national human rights institutions in promoting cooperation and sharing best practices,

Noting with satisfaction the active work of the Association of Mediterranean Ombudsmen and the active continuing work of the Ibero-American Federation of Ombudsmen, the Association of Ombudsmen and Mediators of la Francophonie, the Asian Ombudsman Association, the African Ombudsman and Mediators Association, the Arab Ombudsman Network, the European Mediation Network Initiative, the International Ombudsman Institute and other active ombudsman and mediator associations and networks,

1. *Takes note* of the Secretary-General's note,[5] in which he refers the General Assembly to his report on national institutions for the promotion and protection of human rights submitted to the Human Rights Council at its twenty-seventh session, in September 2014,[6] and regrets that no specific report on the implementation of General Assembly resolution 67/163 was prepared, as requested in that resolution;

2. *Encourages* Member States:

(*a*) To consider the creation or the strengthening of independent and autonomous ombudsman, mediator and other national human rights institutions at the national and, where applicable, the local level;

(*b*) To endow ombudsman, mediator and other national human rights institutions, where they exist, with an adequate constitutional and legislative framework, as well as financial and all other appropriate means in order to ensure the efficient and independent exercise of their mandate and to strengthen the legitimacy and credibility of their actions as mechanisms for the promotion and protection of human rights;

[5] A/69/287.

[6] A/HRC/27/39.

(*c*) To develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of the Ombudsman, mediator and other national human rights institutions;

(*d*) To share and exchange best practices on the work and functioning of their Ombudsman, mediator and other national human rights institutions, in collaboration with the Office of the United Nations High Commissioner for Human Rights and with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and other international and regional ombudsman organizations;

3. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[2] it is the right of each State to choose the framework for national institutions, including the Ombudsman, mediator and other national human rights institutions, which is best suited to its particular needs at the national level, in order to promote human rights in accordance with international human rights instruments;

4. *Welcomes* the active participation of the Office of the High Commissioner in all international and regional meetings of the Ombudsman, mediator and other national human rights institutions;

5. *Encourages* the Office of the High Commissioner, through its advisory services, to develop and support activities dedicated to the existing Ombudsman, mediator and other national human rights institutions and to strengthen their role within national systems for human rights protection;

6. *Encourages* the Ombudsman, mediator and other national human rights institutions, where they exist:

(*a*) To operate, as appropriate, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)[7] and other relevant international instruments, in order to strengthen their independence and autonomy and to enhance their capacity to assist Member States in the promotion and protection of human rights;

(*b*) To request, in cooperation with the Office of the High Commissioner, their accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in order to enable them to interact effectively with the relevant human rights bodies of the United Nations system;

7. *Requests* the Secretary-General to report to the General Assembly at its seventy-first session on the implementation of the present resolution, in particular on the obstacles encountered by States in this regard, as well as on best practices in the work and functioning of ombudsman, mediator and other national human rights institutions.

73rd plenary meeting
18 December 2014

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[7] Resolution 48/134, annex.

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Recalling also that the Convention defines the victim of enforced disappearance as the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance,

Acknowledging that the widespread and systematic practice of enforced disappearance is recognized in the Convention as a crime against humanity, as defined in applicable international law,

Stressing the importance of the work of the Working Group on Enforced or Involuntary Disappearances,

Acknowledging the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

1. *Recognizes* the importance of the International Convention for the Protection of All Persons from Enforced Disappearance,[2] the ratification and the implementation of which will be a significant contribution to ending impunity and to promoting and protecting all human rights for all;

2. *Welcomes* the fact that 94 States have signed the Convention and 44 have ratified or acceded to it, and calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

3. *Also welcomes* the report of the Secretary-General;[3]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to increase their intensive efforts to assist States in becoming parties to the Convention, including by supporting the actions of States to ratify the Convention, providing technical and capacity-building assistance to States and civil society and raising awareness about the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances to continue making efforts to disseminate information on the Convention, to promote understanding of it and to assist States parties in implementing their obligations under this instrument;

6. *Welcomes* the work achieved by the Committee on Enforced Disappearances, and encourages all States parties to the Convention to submit their reports, to support and promote the work of the Committee and to implement its recommendations;

7. *Recognizes* the importance of the Declaration on the Protection of All Persons from Enforced Disappearance[4] as a body of principles for all States designed to punish enforced disappearances, to prevent their commission and to help victims of such acts and their families to seek fair, prompt and adequate reparation;

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[2] Resolution 61/177, annex.

[3] A/69/214.

[4] Resolution 47/133.

8. *Welcomes* the cooperation established between the Working Group and the Committee, within the framework of their respective mandates, and encourages further cooperation in the future;

9. *Takes note with interest* of all the general comments of the Working Group, including the most recent comments on children[5] and women[6] affected by enforced disappearances, and recognizes in this regard that enforced disappearances have special consequences for women and vulnerable groups, especially children, as they most often bear the serious economic hardships that usually accompany such disappearances and, when subjected to enforced disappearances themselves, may become particularly vulnerable to sexual and other forms of violence;

10. *Invites* the Chair of the Committee and the Chair of the Working Group to address and engage in an interactive dialogue with the General Assembly at its seventieth session under the item entitled "Promotion and protection of human rights";

11. *Requests* the Secretary-General to submit to the General Assembly at its seventieth session a report on the status of the Convention and the implementation of the present resolution.

73rd plenary meeting
18 December 2014

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[5] A/HRC/WGEID/98/1 and Corr.1.

[6] A/HRC/WGEID/98/2.

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Agenda item 68 (*b*)

Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/488/Add.2 and Corr.1)*]

69/170. International Albinism Awareness Day

The General Assembly,

Recalling Human Rights Council resolutions 23/13 of 13 June 2013 on attacks and discrimination against persons with albinism,[1] 24/33 of 27 September 2013 on technical cooperation for the prevention of attacks against persons with albinism[2] and 26/10 of 26 June 2014 on International Albinism Awareness Day,[3]

Taking note of the preliminary report on persons with albinism submitted by the Office of the United Nations High Commissioner for Human Rights to the Human Rights Council at its twenty-fourth session,[4]

Taking note also of African Commission on Human and Peoples' Rights resolution 263 of 5 November 2013 on the prevention of attacks and discrimination against persons with albinism,

Expressing concern at the attacks against persons with albinism, including women and children, which are often committed with impunity,

Welcoming the efforts by States to eliminate all forms of violence and discrimination against persons with albinism,

Welcoming also the increased international attention to the human rights situation of persons with albinism, including the work of the United Nations High Commissioner for Human Rights and the Special Representative of the Secretary-General on Violence against Children,

Encouraging Member States to continue their efforts to protect and preserve the rights of persons with albinism to life, dignity and security, as well as their right not to be subject to torture and cruel, inhuman or degrading treatment or punishment, and to continue their efforts to ensure equal access for persons with

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[1] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. V, sect. A.

[2] Ibid., *Supplement No. 53A* (A/68/53/Add.1), chap. III.

[3] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

[4] A/HRC/24/57.

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albinism to employment, education, justice and the enjoyment of the highest attainable standard of health,

Emphasizing the imperative need to enhance the promotion and protection of all human rights, including economic, social and cultural rights, as a matter of priority for the international community,

Noting that, in many parts of the world, awareness of the human rights situation of persons with albinism remains limited, and recognizing the importance of increasing awareness and understanding of albinism in order to fight against global discrimination and stigma against persons with albinism,

Welcoming the observance by civil society actors of 13 June as International Albinism Awareness Day,

Taking note of the recommendation by the Human Rights Council in its resolution 26/10 that the General Assembly proclaim 13 June International Albinism Awareness Day,

Recalling its resolutions 53/199 of 15 December 1998 and 61/185 of 20 December 2006 on the proclamation of international years, and Economic and Social Council resolution 1980/67 of 25 July 1980 on international years and anniversaries,

1. *Decides* to proclaim, with effect from 2015, 13 June as International Albinism Awareness Day;

2. *Invites* all Member States, organizations of the United Nations system and other international and regional organizations, as well as civil society, including non-governmental organizations and individuals, to observe International Albinism Awareness Day in an appropriate manner;

3. *Invites* Member States to provide the United Nations High Commissioner for Human Rights with information on the initiatives taken to promote and protect the human rights of persons with albinism, including efforts to increase awareness of the human rights situation of persons with albinism and understanding of albinism;

4. *Invites* the human rights treaty bodies and special procedures of the Human Rights Council to continue to give attention, within their respective mandates, to the situation of persons with albinism;

5. *Recalls* the request to the High Commissioner to inform the Human Rights Council at its twenty-ninth session of the initiatives taken to raise awareness and promote the protection of the rights of persons with albinism;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and United Nations organizations.

73rd plenary meeting
18 December 2014